

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

205

**CRM-M-16392-2020
Date of decision: 13.07.2020**

Sukhwinder Singh @ Nimma and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Manreet Singh Nagra, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

Petitioners-Sukhwinder Singh @ Nimma and Jaskaran Singh @ Bau have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.86 dated 06.06.2017 registered at Police Station Subhanpur, District Kapurthala under Sections 307, 109 and 120-B of the Indian Penal Code, 1860 (for short, "IPC") and Section 25 of the Arms Act, 1959 to which Section 115 of the IPC was added later on.

The above said FIR was registered on statement of complainant-Daljit Singh who alleged that on 05.06.2017 at about 08:10 P.M., when he was going on his motorcycle from his farm house to his house and reached near the temple on Dhilwan-Nadala Road two clean shaven persons of the age of 25 and 27 years came on pulsar

motorcycle and asked him about petrol pump. He told them the way to the petrol pump. One of the persons who had muffled his face fired at him with a country made pistol .12 bore and the shot hit him on his right shoulder at the back. While fleeing away, the above said persons abused him and told him that he had been taught a lesson for messing up with Kulwinder Singh @ Babbal.

The petitioners, who are in custody since the date of their arrest, have filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State counsel who has opposed the same and filed custody certificate of petitioner No.1 through e-mail print out of which is taken on record.

I have heard learned counsel for the petitioners and learned State counsel and gone through the relevant record.

Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case after two years from the date of registration of the FIR on the basis of alleged confessional statement made by them. Co-accused Kulwinder Singh @ Babbal who is alleged to have hired them and at whose instance they are alleged to have fired on injured-Daljit Singh has been exonerated by the police during investigation and application for his discharge is pending before the trial Court. Co-accused Kulwinder Singh @ Babbal has already been granted anticipatory bail by Coordinate Bench of this Court vide order dated 28.09.2017 passed in CRM-M-26242-2017. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted concession of regular bail.

On the other hand, learned State counsel has submitted that in view of the serious nature of the offences committed for monetary consideration, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the fact that co-accused Kulwinder Singh @ Babbal has been granted anticipatory bail by Coordinate Bench of this Court vide order dated 28.09.2017 coupled with the fact that the trial is likely to take long time but without meaning to comment on merits of the case, I am of the considered view that the petition deserves to be allowed.

Accordingly, the petition is allowed and petitioners- **Sukhwinder Singh @ Nimma and Jaskaran Singh @ Bau** are ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioners are granted regular bail subject to the condition that they shall not commit similar offence and in case of commission of similar offence by them in future their bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

13.07.2020

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No